



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

November 7, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. John Dixon  
Tronox LLC, Hamilton Facility  
PO Box 180  
Hamilton, MS 39746

**Re: Tronox LLC, Hamilton Facility  
Agreed Order No. 6356 13**

Dear Mr. Dixon:

Enclosed you will find a copy of Agreed Order No. 6356 13, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Jan Patton at (601) 961-5782.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Jan Patton

Agency Interest No. 8587  
ENF20120003

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6356 13

TRONOX LLC  
HAMILTON, MISSISSIPPI 39746

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (“Commission”), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (“MDEQ”), Complainant, and Tronox LLC (“Tronox”), Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 13, 2012, Respondent was contacted by Complainant and notified of the following alleged violations of Title V Operating Permit (TVOP) 1840-00035 for its facility located at 40034 Tronox Road, Hamilton, Mississippi in Monroe County:

- A. Failure of Emission Point EP-406 to comply with the chlorine (“Cl<sub>2</sub>”) emission limitation (TVOP Condition 3.B.6), determined via stack test conducted on May 30, 2012. The TVOP limitation for Cl<sub>2</sub> is 0.01 lbs/hr and the stack test indicated the actual Cl<sub>2</sub> emissions were 0.5951 lbs/hr.
- B. Failure of Emission Point EP-406 to comply with the hydrogen chloride (“HCl”) emission limitation (TVOP Condition 3.B.6), determined via stack test conducted on May 30, 2012. The TVOP limitation for HCl is 0.01 lbs/hr and the stack test indicated the actual HCl emissions were 0.0174 lbs/hr.

Respondent demonstrated compliance with another stack test conducted on August 17, 2012.

2.

In lieu of a formal enforcement hearing concerning the violation(s) listed above, Complainant and Respondent agree to settle this matter as follows:

A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$65,000.00 for the matters addressed herein. The penalty shall be paid as follows:

a. Respondent shall pay by check or money order \$45,183.40 to MDEQ within forty-five (45) days after the date of this Agreed Order is executed by the MDEQ Executive Director or her designee (the "Effective Date"). Payment shall be submitted to the following address:

Mississippi Department of Environmental Quality  
Attn: Mona Varner  
P.O. Box 2339  
Jackson, MS 39225

b. In accordance with the provisions of this Agreed Order and the Memorandum of Agreement ("MOA") between MDEQ, Respondent and the Hamilton Volunteer Fire Department ("HVFD"), which is attached hereto as exhibit "A" (the MOA), Complainant shall allow Respondent credit as follows toward payment of the penalty. Within forty-five (45) days after the Effective Date, Respondent shall pay, by check or money order, \$19,816.40 to the HVFD in accordance with the terms and conditions of the MOA. The HVFD shall use these funds for the purpose of purchasing communications equipment necessary to upgrade the HVFD's current communications equipment to meet their obligations to an FCC mandate. Within ten (10) days after making the payment to the HVFD contemplated by this subparagraph, Respondent shall provide MDEQ with written proof of such payment.

c. If Respondent fails to make the payment as described above in 2.A.b or should the amount necessary for the HVFD's purchase be

less than \$19,816.60, any balance remaining of the civil penalty shall be immediately due and payable to MDEQ.

- B. Any public statement, oral or written, in print, film, or other media, made by the Respondent making reference to the payment described in paragraph 2.A.b above shall include the following language: "This contribution was made in connection with the settlement of an environmental enforcement action taken by the Mississippi Department of Environmental Quality."

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 7 day of November, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT

OF ENVIRONMENTAL QUALITY

AGREED, this the 30<sup>th</sup> day of October, 2013.

TRONOX LLC, HAMILTON FACILITY

BY: John A. Dixon

TITLE: Plant manager

STATE OF Mississippi

COUNTY OF Monroe

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named John A. Dixon who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Tronox LLC, Hamilton Facility and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30 day of October, 2013.

Donna K. Roane  
NOTARY PUBLIC

My Commission expires: 8-24-17



**ATTACHMENT A**

**to**

**MEMORANDUM OF AGREEMENT BETWEEN MISSISSIPPI  
DEPARTMENT OF ENVIRONMENTAL QUALITY,  
TRONOX LLC, AND HAMILTON VOLUNTEER FIRE DEPARTMENT**

**COMMUNICATIONS EQUIPMENT LISTING**

**MEMORANDUM OF AGREEMENT BETWEEN MISSISSIPPI  
DEPARTMENT OF ENVIRONMENTAL QUALITY,  
TRONOX LLC, AND HAMILTON VOLUNTEER FIRE DEPARTMENT**

**Background.** On August 13, 2012, the Mississippi Department of Environmental (“MDEQ”) initiated an administrative enforcement action against Tronox LLC (“Tronox”) for various violations of Title V Operating Permit (TVOP) 1840-00035. As part of the settlement and resolution of that enforcement action, MDEQ has agreed to allow Tronox to pay \$19,816.60 to the Hamilton Volunteer Fire Department (“HVFD”) and receive credit towards the agreed upon civil penalty. MDEQ now seeks to ensure that the HVFD expends the funds for the purposes set forth below.

**Section 1. Parties to the Agreement:** The parties to this Memorandum of Agreement are MDEQ, Tronox and HVFD.

**Section 2. Purpose of the Agreement:** The purpose of this agreement is to ensure that the HVFD expends the funds received from Tronox for the purchase of the items, listed in Attachment A, needed for the upgrade of the HVFD’s Communications System, as required by Agreed Order No.

**6356.13**

**Section 3. Responsibilities of Tronox:** Tronox shall make payment to the HVFD in the amount of \$19,816.60 after execution of this Memorandum of Agreement and in accordance with the associated Agreed Order to be issued by MDEQ.

**Section 4. Responsibilities of HVFD:** The HVFD shall expend the funds received from

Tronox for the purchase of the following items listed in Attachment A needed for the upgrade of HVFD's Communications System. Should the HVFD fail to expend the funds received from Tronox, or any portion of the funds as required by this Memorandum of Agreement, the HVFD shall remit to MDEQ that portion for the funds not spent in accordance with this Agreement, and any such funds remitted to MDEQ shall be considered a penalty collection and deposited into the Pollution Emergency Fund pursuant to Miss. Code Ann. § 49-17-43(6).

**Section 5. Responsibilities of MDEQ:** As consideration for the performance of this Agreement, MDEQ agrees to grant Tronox credit in the amount of \$19,618.60 toward payment of a total civil penalty of \$65,000.00 for the violations cited in my MDEQ's Notice of Violation dated August 13, 2012. This concession by MDEQ shall also be embodied in an Agreed Order.

**Section 6. Reporting and Certification Requirements:** Tronox shall submit to MDEQ documentation (such as purchase orders, receipts, etc.) reflecting that it gave the funds to HVFD and that HVFD, in turn, used the funds in accordance with this Memorandum of Agreement once the funds have been fully expended. Tronox shall submit a certification signed by both Tronox's Director of Operations and the Hamilton Volunteer Fire Department Chief that the funds were transferred and expended in accordance with the terms of this Memorandum of Agreement.

**Section 7. Period of Performance:** The period of performance for this Agreement shall be ninety (90) days from the date the Agreement is executed by all parties.

**Section 8. Nullification of this Agreement:** The parties to this Agreement contemplate, and the agreement embodied in this document presumes, the issuance by MDEQ of an Agreed Order



associated with, and referencing, this Memorandum of Agreement and requiring Tronox to make the payment described herein. If, for any reason, the MDEQ and Tronox are unable to settle the enforcement action referenced above as contemplated by this Memorandum of Agreement and/or MDEQ, for any reason, does not issue the contemplated Agreed Order, this Agreement, and any and all obligations described herein, shall be null, void and without effect.

WITNESS OUR SIGNATURES:

**CHIEF, HAMILTON VOLUNTEER FIRE DEPARTMENT**

By: Raymond Oliver

Printed name: Raymond Oliver

Its: Fire Chief

Date Executed: 10-30-13

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

By: Trudy D. Fisher  
Trudy D. Fisher, Executive Director

Date Executed: 11/7/13

**TRONOX LLC, HAMILTON FACILITY**

By: John A. Dixon

Printed name: John A. Dixon

Its: PLANT MANAGER

Date Executed: 10-30-2013